

MINUTES OF THE CITY COUNCIL
CITY OF AUSTIN, TEXAS
Special Called Council Meeting

January 11, 1980
5:00 P.M.

Council Chambers
301 West Second Street

The meeting was called to order with Mayor McClellan presiding.

Roll Call:

Present: Mayor McClellan, Mayor Pro Tem Himmelblau, Councilmembers
Cooke, Goodman, Mullen, Snell, Trevino

Absent: None

The Mayor announced this was a Special Council Meeting called for the following purposes:

1. Publicly announce one or more times that it will convene one or more times in executive session under Section 2 (g) of Article 6252-17 V.T.C.S. (Texas Open Meetings Act)
2. Consider removal of the City Manager
3. Consider appointing an Interim City Manager

and that the Council would now convene in an Executive Session for the purpose of evaluating the City Manager and after such closed or executive session, any final action, decision or vote with regard to any matter considered in the closed or executive session, will be made in open session, should such action, decision or vote be necessary.

Council immediately went into Executive Session, when they reconvened in the Council Chamber, the following Motion was made:

Motion

Mayor Pro Tem Himmelblau moved that the Council retain Dan Davidson as the City Manager of Austin. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Mayor McClellan, Councilmember Cooke, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Trevino

Noes: None

Abstain: Councilmembers Goodman, Snell

At the time of Roll Call the following statements were made:

Councilmember Cooke: This particular issue, on my part, is a very difficult issue. There has been a lot of public exposure in the press this week about this entire effort. I will say very candidly in the areas of staffing in our city, in some areas of budget performance, and very definitely in areas of departmental performance, I continue to have concerns. I've had a chance to visually talk with the Manager tonight and speak to some of my most immediate concerns and my vote will be YES.

Councilmember Goodman: I think it is a disservice to the Manager every year to have such an occurrence like this occur. Log me as present and not voting.

Mayor Pro Tem Himmelblau: Wholeheartedly, YES.

Councilmember Mullen : I have a tremendous amount of things I want to talk about and I think the best time to talk about them is right now. I came here tonight determined that I was going to vote to terminate the City Manager unless I had a lot of questions answered. That's why we've been back there for three and one half hours. You people out here, the people that I think helped me get elected, and you put me on here to use my judgement on how the city should be run through the perspective of my judgement, not the perspective of the newspaper, or the press. Many of you called me. Some of you threatened me and my wife and my home, and I think for you that did it should be ashamed of yourself. It's ridiculous. Many of you talked to me very sensibly on what kind of attitude I should have about this. A lot of vested interest groups have contacted me and a lot of just purely interested citizens, and a whole lot of people contacted me and said, whatever your judgement is, I'll respect it, that's what I put you on for as a City Councilman. I'm really disappointed that the press has picked up, and there has been no comment from Mr. Cooke, Mr. Goodman, Mr. Snell or myself...no comment. Stories, allegations, trial with the Manager out of town, all that foolishness that makes good press. The evaluation of the City Manager was set up by the total City Council Wednesday night and the City Manager left town the next day, Thursday morning. And it was set up so we could evaluate the City Manager on Saturday, tomorrow. After meeting with Dan Davidson last night, he suggested we move it up to today. Again, allegations came out...trying to make it a higher force pressing to make this decision very quickly. It was done at the request of the City Manager to try and keep this city going

as smoothly as possible. And then we started getting people saying, "this is what you are doing, you are not being fair" so Lee and Richard and I said "we're trying to be as fair as we can about this situation. Let's move it back to the time it was scheduled, Saturday." Again, no comment to the press, but lots of speculation and lots of you believed the press as usual. I have serious concerns about the City Manager's performance and one of the most serious was shown me tonight to be incorrect. I had a report from an actuary on the board that Mr. Davidson and I serve on together that said there was a 16.7% pay raise in one year to a city employee that has been here one year. I was elected to look over the budget as carefully as I can, that's what I've been doing. That was a serious concern to me. A memorandum was sent out November 3 for some reason I have not gotten the memorandum, I do believe it was delivered, I just did not get to read it until tonight. The result of that memorandum shows that the actuary was incorrect. I based my information on an actuary who's normally correct in their assumptions when what he delivered was incorrect. And I was shown that tonight. I still have serious problems about the way this city is being run. I think the bureaucracy is not in control, as it is not in control on the Federal level. I think that I was elected to try and look at that bureaucracy and make recommendations and many of you people come and fill this chamber because there may be a vote or at least there may be some kind of allegations and that surprises me. I think Mr. Davidson has done a tremendous job for this city. I've been a backer of Dan Davidson from the beginning, before I got on the Council. But I think that if you all, as citizens, elect a person to do a job and that is to vote on the City Manager and his performance and the staff and their performance through the City Manager they should overcome personal prejudices and likes for a personal friend. I consider Mr. Davidson a good friend. I respect him and his wife Phyllis and am very sorry all this activity had taken place, for both he and his family. Whatever we gave to the press was again, no comment. Whatever information was no comment. Maybe I should have come out immediately and made a comment. Like I said, I came here prepared tonight to vote...if the vote was 6-1, 5-1, whatever, to terminate the City Manager because I lost confidence in his abilities to lead the city. My decision tonight will not be made on you all being here, I guarantee you that. I do not want you to think in any way your presence has made any bearing on my decision, and the reason for that is that, again, I was on the inside and you were on the outside. But after spending this amount of time with Mr. Davidson in the back room trying to conduct an Executive Session like we had planned to do anyway, I have decided it would be divisive and harmful to the City of Austin at this time, for many reasons, to vote against Mr. Davidson. I would like to re-evaluate the concerns I have spoken to with him tonight and which he is well aware of. I'm only one member of the Council. He knows that I cannot terminate him but I can speak my concern. I've done that tonight. I think for the good of the city it would be best to retain Mr. Davidson, for me to work as closely with him as possible and continue to try and have the city work in harmony as closely as possible. So, I vote YES.

Councilmember Snell: The evaluation of the City Manager is a very important issue and has been each time that we've made an evaluation. I feel as though any one might be able to change their mind but I've been put into a spot where if I wanted to change my mind or my opinion I would be talked about.

I've had confidence in Mr. Davidson ever since I've been serving on the Council. We've differed a great deal in many things. I voted in the previous evaluation against Mr. Davidson. At this time I feel as though quite a few of the things that caused me to vote the way I did have not changed. So I will take this opportunity to vote present but not voting.

Councilmember Trevino: YES.

Mayor McClellan said, "If you all will permit me I want to say one thing. The Manager just leaned over to me and said 'You haven't voted yet, have you?' And I said, 'Yes, sir, I voted first.' I do want to say just a couple of things. One is, I want to thank each of you for being here tonight because regardless of whether you think we made the right decision or not, I think your presence and your being here demonstrates that you care about this city. And that's healthy. And I want to say further that I believe the members of this Council made the right decision. I'm personally happy that each of the Councilmembers really look at this matter seriously and conscientiously regardless of what differences they have with the City Manager. And we've made, I believe, an important first step toward restoring the unity that I felt was somewhat threatened by the events of the last few days, but that's all behind us. I want to pledge my support to and earnestly solicit the cooperation of each member of this Council in working more closely together for the community and for the citizens who depend on us to keep this the finest city in these United States."

Mr. Dan Davidson, City Manager, addressed Mayor, Council and members of the audience as follows: "First, I, too, appreciate all of the expressions that have taken place this week during a most embarrassing few days. I'm sure this turned out to be embarrassing for members of the City Council and for the Mayor and for many of you. Not because of any question regarding the Council's ability to act because I told the Council tonight and before that as City Manager I will defend their prerogative and their responsibility to determine who the City Manager of Austin is and should be. I've also told them that if at any time they feel that I cannot perform in the manner that the majority of this Council feels is necessary, that there in fact should be a change. I, too, am proud of what has been accomplished in Austin under the policy leadership of the Councilmembers that we've had in my tenure. I've been grateful for the privilege of serving. I look forward to the future of Austin, and I, too, believe that Austin has an outstanding future. Tonight the Council has voted to retain my tenure so that I can continue as City Manager. I don't accept that lightly. I have always considered this position more than a job. I intend to justify the confidence expressed by those who have voted in my favor and if at any time in the future I cannot face any one in this room especially the members of the City Council or the Mayor, and feel that I can carry out that sort of confidence and express their policies and achieve the kind of excellence that this Council is demanding I will be the one to tell the Council that they should make a change in the City Manager. My thanks to each of the Council for the time they spent with me tonight. I encourage this kind of discussion and I do look forward to the future. Thanks, all of you, for being here."

January 11, 1980

ADJOURNMENT

Council adjourned its Special Called Meeting at 8:28 P.M.

APPROVED

Carole Zettin McCullen
Mayor

ATTEST:

Grace Monroe
City Clerk